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FORM

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Total Number of Pages in This Submission

Application Number

10/538590

Filing Date

December 19, 2003

First Named Inventor

Richard C. Ebersole, Et Al.

Art Unit

Unassigned

Examiner Name

Unassigned

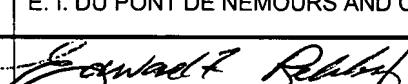
Attorney Docket Number

CL2272USPCT

ENCLOSURES (Check all that apply)

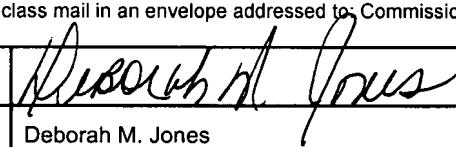
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Copy of Decision on Petition Under 37 CFR 1.182 and Declaration For Utility or Design Patent Application (37 CFR 1.63)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)	<input type="checkbox"/> Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	E. I. DU PONT DE NEMOURS AND COMPANY		
Signature			
Printed name	EDWARD F. REHBERG		
Date	JULY 26, 2007	Reg. No.	34,703

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Deborah M. Jones
Date	JULY 26, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : Unassigned
Examiner : Unassigned.
Applicant(s) : RC Ebersole, RE Jackson, LJ Schwartz
Serial Number : 10/538,590
I.A. Filed : 12/19/2003
For : Sequences Diagnostic for Foot and Mouth Disease

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO CHANGE NAME OF AN INVENTOR IN AN APPLICATION
(37 C.F.R. § 1.182)

1. This petition under 37 C.F.R. § 1.182 is to change the name of an inventor "Linda J. Besl (AKA "Linda J. Schwartz" or erroneously "Linda J. Scwartz") to her current legal name "Linda J. DeCarolis".
2. A previous petition has been submitted and dismissed without prejudice because a corrected declaration was not also submitted (decision attached)
3. Applicants rely on the Declaration from Linda J. DeCarolis describing the circumstances of her change of name pursuant to MPEP Section 605.04 as previously submitted.
4. A new declaration is submitted herewith. (attached)
5. The petition fee (§ 1.17(h)) is paid as follows:

Authorization is hereby made to charge the amount of \$400.00 to Deposit Account No. **04-1928**.

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Date: 7-26-07

Reg. No.: 34,703
Tel. No.: 302-992-4123



Edward Francis Rehberg
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Legal Patent Records Center
Barley Mill Plaza 25/1128
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Wilmington, DE 19805



31 MAY 2007

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www.uspto.gov

E. I. du Pont de Nemours and Company
Legal - Patents
Wilmington DE 19898

In re Application of
EBERSOLE, Richard C. et al.
Application No.: 10/538,590
PCT No.: PCT/US03/41808
Int. Filing Date: 19 December 2003
Priority Date: 20 December 2002
Attorney's Docket No.: CL2272USPCT
For: SEQUENCES DIAGNOSTIC FOR FOOT
AND MOUTH DISEASE

1) BOB Young
2) EFR

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DOCKETED IN 12/12/2007 ON

CR PETITION TO BE REVIEWED

ATTORNEY UNDER 37 CFR 1.182

This decision responds to applicant's petition under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 12 February 2007.

BACKGROUND

On 19 December 2003, applicant filed international application PCT/US03/41808, claiming a priority date of 20 December 2002. The deadline for entry into the national stage in the United States was midnight 20 June 2005.

On 15 June 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee and a declaration of the inventors.

On 17 August 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing the search fee, examination fee or oath or declaration were required and indicating that the last name of the second inventor did not match the international application and that an explanation was required.

On 12 February 2007, applicant submitted a petition to change the name of the second inventor.

DISCUSSION

The fee for a petition under 37 CFR 1.182 is \$400, not \$130. The balance of the petition fee will be charged to deposit account no. 04-1928, as authorized.

The declaration is executed by Linda Besl. Applicant explains that she was formerly "Linda Schwartz," but was listed as "Linda Scwartz" on the international application as the result

R. Besl

of a typographical error. Subsequent to her divorce, "Linda Schwartz" became known as "Linda Besl." When she later married, "Linda Besl," became "Linda J. DeCarolis." This petition adequately explains the name changes for the second inventor.

However, the declaration does not match the inventor's name. Inventor DeCarolis must execute a declaration in her current name, as it is the name that she wishes the Office to use. A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the search fee, examination fee or oath or declaration are required within **TWO (2) MONTHS** of the mailing of this decision. Failure to timely reply will result in the abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin P. Thomson

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